

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHRISTOPHER McDANIEL,

Plaintiff,

v.

Case No. 15-13892

T. BECHARD and P. STEELE,

HON. TERRENCE G. BERG

HON. DAVID R. GRAND

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION (DKT. 35)

This matter is before the Court on Magistrate Judge David R. Grand's August 2, 2017 Report and Recommendation (Dkt. 35), recommending that Defendants' Motion to Dismiss and/or for Summary Judgment (Dkt. 24) be GRANTED.

The Court has reviewed the Magistrate Judge's Report and Recommendation. The law provides that either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of a report and recommendation. 28 U.S.C. § 636(b)(1). The district court will make a "*de novo* determination of those portions of the report . . . to which objection is made." *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). The Court will therefore accept the Magistrate's Report and Recommendation of August 2, 2017 as this Court's findings of fact and conclusions of law.

Accordingly, it is hereby **ORDERED** that Magistrate Judge Grand's Report and Recommendation of August 2, 2017 is **ACCEPTED** and **ADOPTED**. It is **FURTHER ORDERED** that Defendants' Motion to Dismiss and/or for Summary Judgment is **GRANTED** and that Plaintiff's claims are **DISMISSED WITH PREJUDICE** except for his Eighth Amendment claim for alleged denial of food, which is **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED.

Dated: August 25, 2017

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that this Order was electronically submitted on August 25, 2017, using the CM/ECF system, which will send notification to all parties.

s/A. Chubb
Case Manager